In the Hon'ble the High Court of Uttaranchal
At Nainital

WRIT PETITION NO. 709 (M/S) of 2003

Bhuwan Chandra Kapri and others……..Petitioners
Versus

Principal H.N .B. Govt. College and others----------Respondents
Hon'ble M.M.Ghildiyal J.

The petitioners have filed the present petition for a direction to respondents to grant admission the Petitioners in M.A. Economics, First Year.

Heard learned Counsel for the Petitioners and Sri B.D.Upadhyaya learned counsel for the University-respondent.

Learned Counsel for the petitioner has submitted that the petitioners appeared in B.A. Final Year examination as a private student with Political Science, education and Economics as a subject, they were declared failed in Economics and were permitted to appear in improvement test. Since the petitioners have been permitted to appear in the improvement test the college may grant admission, to petitioners in MA previous Economics. He has placed reliance on clause 10 of directions issued by the University in respect of improvement test. He has submitted that under clause 10, the Petitioners are entitled to get admission in MA previous. Learned Counsel for university Sri B.D.Upadhyaya has drawn my attention to the rules of University in respect of admissions in Graduate and Post-Graduate courses for the session 2003-2004, wherein in clause 2.9, it is specifically stated that in case a student is permitted for improvement test he can be provisionally admitted in B.A. Part – II, B.A. Part-III and in the final year of Post-Graduation. Thus from the rules, it is cleared that in case a student is permitted to appear in improvement test he can be provisionally admitted if the seats are available in B.A. Part-II, B.A. Part-III of the graduation and in the Final Year of Post-Graduation. This concession will not apply in case the petitioners are failed in B.A. and want permission to appear in Post-Graduate classes.

The Writ Petition is misconceived and as such is dismissed.

(M.M.Ghildiyal, J.)

September 22, 2003
ASWAL